

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

In Re: Darrell Scott Morris

Chapter 7
No. 17-12090

Debtor

**MOTION OF OCEAN STATE CREDIT UNION
FOR RELIEF FROM THE AUTOMATIC STAY**

Ocean State Credit Union, f/k/a Coventry Credit Union (the “Credit Union”), hereby moves the Court for relief from the automatic stay under Bankruptcy Code §362(d) in order to permit it to exercise its rights with respect to real property located at 17 Fairground Way, Scituate, Rhode Island (the “Property”). In support of this motion, the Credit Union respectfully states as follows:

1. On June 8, 2017, the Credit Union became the owner of the Property as evidenced by a Foreclosure Deed recorded on June 20, 2017 in the Town of Scituate Land Evidence Records in Book 663 at Page 232 (a copy of which is attached hereto as Exhibit A).
2. On December 6, 2017, Darrell Scott Morris (the “Debtor”) filed a petition for relief under Chapter 7 of the United States Bankruptcy Code.
3. Upon information and belief, the Debtor maintains a possessory interest and continues to reside in the Property.
4. Prior to the bankruptcy case being filed, the Credit Union had filed an eviction complaint in the District Court (Kent County)
5. The Credit Union seeks relief from stay as the owner of the Property to enforce its rights against the Debtor pursuant to applicable state and federal law.

6. The Credit Union is entitled to relief from the automatic stay for cause pursuant to 11 U.S.C. § 362(d)(1) because the Debtor continues to reside in the Property without any legal justification.

7. The Credit Union is entitled to relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(2) because the Debtor has no equity in the Property and the Property is not necessary for any effective reorganization.

WHEREFORE, the Credit Union moves that the Court enter an Order granting the Credit Union relief from the automatic stay pursuant to 11 U.S.C. § 362(d) so that it, and its successors and assigns, may proceed to exercise its right with respect to the Property, and that it grant such other and further relief as is just.

Ocean State Credit Union
By its Attorneys,

January 10, 2018

/s/ Elizabeth A. Lonardo
Matthew J. McGowan, Esquire
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NOTICE

Within fourteen (14) days after service of the foregoing paper, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006(f) if you were served by mail or other excepted means specified, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no such objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court the interest of justice requires otherwise.

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CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the **MOTION OF OCEAN STATE CREDIT UNION FOR RELIEF FROM THE AUTOMATIC STAY** and **PROPOSED ORDER** in this case with the Clerk of this Court using the CM/ECF System. The following are CM/ECF System participants in this case eligible to receive notice of the filing of such paper(s) electronically:

Gary L. Donahue, Esq.	ustpreion01.pr.ecf@usdoj.gov
Christopher Lefebvre, Esq.	court@lefebvrellaw.com
Joseph M. DiOrio, Esq.	jmdiorio@dioriolaw.com

I further hereby certify that I have this date served a copy of the above-referenced paper(s) on the following non CM/ECF participants by first class mail, postage prepaid, at the addresses noted below:

Darrell S. Morris
PO Box 328
Chepachet, RI 02814

January 10, 2018

/s/ Elizabeth A. Lonardo